

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Jerry H. Stoller	Customer No.	23,444
Serial No.:	10/677,708	Art Unit:	1616
Date Filed:	October 02, 2003	Examiner:	Alton Nathaniel Pryor
For:	Controlling Plant Pathogens and Pests with Applied or Induced Auxins	Atty Docket No.	SOR028/189341

**RCE TRANSMITTAL**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

Continued Examination Request Fee \$ 405.00

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (*check appropriate items below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of the issue fee
  - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
  - ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action
  - ☐ Such appeal or commencement of civil action has been terminated ENCLOSURES

3. Enclosed herewith is/are:
- ☐ An information disclosure (37 C.F.R. § 1.98)
- ☐ Form PTO-1449 (PTOISB108A and 08B)
- ☒ New Arguments
- ☐ New Evidence in support of patentability
- ☒ Other: An Amendment

**FEE FOR REQUEST (37 C.F.R. § 1.17(e)).**

4. This application is on behalf of:
- ☒ Small Entity (and status is still as small entity) **\$405.00**
- ☐ Other than a small entity **\$810.00**

**FEE FOR CLAIMS**

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

Claims Remaining After Amendment	Highest No. Previously Paid For	Extra Present	Rate	Added Fee
Total: 62	70	0	\$26/52	\$0
Independent: 8	8	0	\$110/220	\$0
First Presentation of Multiple Dependent Claims:			\$390/195	\$0
Total Additional Fees:				\$0

**WARNING:** See 37 C. FR. § 1.116.

(complete (a) or (b), as applicable)

- (a) ☒ No additional fee is required.

**OR**

- (b) ☐ Total additional fee required is \$ \_\_\_\_\_

**EXTENSION OF TIME**

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Large Entity	Small Entity
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/> three months	\$1,110.00	\$ 555.00

- |                          |             |            |            |
|--------------------------|-------------|------------|------------|
| <input type="checkbox"/> | four months | \$1,730.00 | \$ 865.00  |
| <input type="checkbox"/> | five months | \$2,350.00 | \$1,175.00 |

Fee: \$ 555.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e)).....	\$	<u>405.00</u>
Fee(s) for additional claims (if any) (§ 1.16(b)-(d)) .....	\$	<u>0.00</u>
Extension of time fee (if any) (§ 1.17(a)(1)-(4)) .....	\$	<u>555.00</u>

Total Fee(s) Due.....\$ 960.00

#### PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

- ☐ Check is attached for the sum of \$ \_\_\_\_\_
- ☒ Charge Account 50-0897 (SOR028/189341) the sum of \$ 960.00
- ☐ Charge Credit Card the sum of \$ \_\_\_\_\_

(Credit Card Payment Form (PTO-2038) attached)

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to

- ☒ Account 50-0897 (SOR028/189341)

- ☐ Credit Card (Credit Card Payment Form (PTO-2038) attached).

#### INVENTORSHIP

9. This application as amended names as inventors:

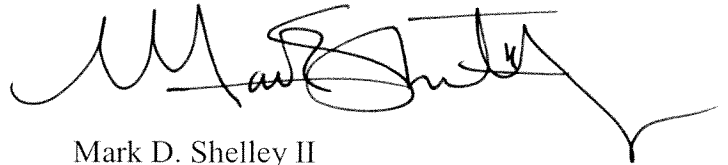
- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:  
☐ being filed ☐ been filed

**DEFERRAL OF EXAMINATION**

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark D. Shelley II', with a long horizontal flourish extending to the right.

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